

Brown, Janice

From: Nelson, Daniel K.
Sent: Thursday, June 16, 2016 5:06 PM
To: Cascio, Wayne; Diaz-Sanchez, David; Devlin, Robert; Wade, Tim
Subject: FW: FYI: Feds Quietly Consider Reviving EPA's Human Testing Program

FYI. Steve Milloy is back. Make sure you click on the link at bottom of article, for his letter to National Academy of Sciences.

Begin forwarded message:

From: "Harrison, Melissa" <Harrison.Melissa@epa.gov>
Date: June 16, 2016 at 4:13:20 PM EDT
To: "Perry, Dale" <Perry.Dale@epa.gov>
Subject: **FYI: Feds Quietly Consider Reviving EPA's Human Testing Program**

<http://dailycaller.com/2016/06/16/feds-quietly-consider-reviving-epas-human-testing-program/>

Melissa J. Harrison
Press Secretary
U.S. Environmental Protection Agency
Office: [\(202\) 564-8421](tel:(202)564-8421)
Mobile: [\(202\) 697-0208](tel:(202)697-0208)
Harrison.Melissa@epa.gov

Brown, Janice

From: Benson, William
Sent: Friday, June 17, 2016 9:45 AM
To: Burke, Thomas
Cc: Cascio, Wayne; Hines, Ronald; Piantanida, David; Deener, Kathleen; Kavlock, Robert
Subject: RE: HELP: Feds Quietly Consider Reviving EPA's Human Testing Program | The Daily Caller

No, none that I am aware of. If I interpret the article correctly, appears related to Milloy's concerns pertaining to "2014 EPA inspector general reporting".

From: Burke, Thomas
Sent: Friday, June 17, 2016 8:41 AM
To: Benson, William <Benson.William@epa.gov>
Cc: Cascio, Wayne <Cascio.Wayne@epa.gov>; Hines, Ronald <Hines.Ronald@epa.gov>; Piantanida, David <Piantanida.David@epa.gov>; Deener, Kathleen <Deener.Kathleen@epa.gov>; Kavlock, Robert <Kavlock.Robert@epa.gov>
Subject: Re: HELP: Feds Quietly Consider Reviving EPA's Human Testing Program | The Daily Caller

Thanks Bill. David will be working to pull things together.

Also, are there are any new developments that led to this press story?

Thomas A. Burke, PhD, MPH
Deputy Assistant Administrator
EPA Science Advisor
Office of Research and Development
202-564-6620
burke.thomas@epa.gov

On Jun 17, 2016, at 9:37 AM, Benson, William <Benson.William@epa.gov> wrote:

Wayne,

Regarding the note below, can you please provide Tom Burke with "a couple of bullets on the current status of our work. Also a restatement of past language about the extensive health and safety considerations, informed consent and protection of human subject through IRB".

Please cc Ron and I along with the "to" list below. Possible?

Thank you. Bill

From: Burke, Thomas
Sent: Friday, June 17, 2016 8:32 AM
To: Kavlock, Robert <Kavlock.Robert@epa.gov>; Kadeli, Lek <Kadeli.Lek@epa.gov>; Cascio, Wayne <Cascio.Wayne@epa.gov>; Deener, Kathleen <Deener.Kathleen@epa.gov>; Benson, William <Benson.William@epa.gov>; Piantanida, David <Piantanida.David@epa.gov>
Subject: Fwd: Feds Quietly Consider Reviving EPA's Human Testing Program | The Daily Caller

Here is the press article. At the very least we need a couple of bullets on the current status of our work. Also a restatement of past language about the extensive health and safety considerations,

informed consent and protection of human subject through IRB

Thomas A. Burke, PhD, MPH
Deputy Assistant Administrator
EPA Science Advisor
Office of Research and Development
202-564-6620
burke.thomas@epa.gov

Begin forwarded message:

From: "Burke, Thomas" <Burke.Thomas@epa.gov>
Date: June 17, 2016 at 7:40:59 AM EDT
To: "Burke, Thomas" <Burke.Thomas@epa.gov>
Subject: **Feds Quietly Consider Reviving EPA's Human Testing Program | The Daily Caller**

<http://dailycaller.com/2016/06/16/feds-quietly-consider-reviving-epas-human-testing-program/>

Thomas A. Burke, PhD, MPH
Deputy Assistant Administrator
EPA Science Advisor
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202-564-6620
burke.thomas@epa.gov

Brown, Janice

From: Nelson, Daniel K.
Sent: Tuesday, July 12, 2016 9:30 AM
To: Devlin, Robert; Diaz-Sanchez, David; Cascio, Wayne
Subject: FW: FOIA Assignment for Request Detail Task for Request EPA-HQ-2016-007707

Bob and David (and Wayne),

As discussed, below is the actual wording of latest FOIA request from Steve Milloy. My understanding is that the OIG component has been assigned to the OIG itself, while Toby (and by extension we) will be responsible for the NAS component. The request is for "all e-mail and documents." On that background, I have been asked to determine the following:

1. Do you prefer to (a) search your own emails to find those of relevance, or (b) have your files searched by eDiscovery? <http://intranet.epa.gov/ediscovery/>
2. What is your estimate of time required to provide records?

Thanks, Dan

From: Kleibacker, Lu-Ann
Sent: Wednesday, July 06, 2016 8:55 AM
To: Schonfeld, Toby <Schonfeld.Toby@epa.gov>
Subject: FW: FOIA Assignment for Request Detail Task for Request EPA-HQ-2016-007707

Hi Toby,

Please see below Peter's email to me on a FOIA request. I told him it would involve you. I hope I was correct.

Lu-Ann

From: Evanko, Peter
Sent: Wednesday, June 29, 2016 11:30 AM
To: Kleibacker, Lu-Ann <Kleibacker.Lu-Ann@epa.gov>
Subject: FW: FOIA Assignment for Request Detail Task for Request EPA-HQ-2016-007707

Lu-Ann,

I am trying to determine the ORD Task lead for this FOIA. Would this involve Toby Schonfeld as the Human Subjects Research Review Official?

"I am asking for all e-mail and documents for the period January 1, 2014 through the June 1, 2016 that concern the March 31, 2014 EPA inspector general report on protection of human study subjects (Report #14-P-0154). This request also includes all e-mail and documents concerning the ongoing National Academy of Sciences review of the IG report and the EPA's human clinical studies program."

Peter J. Evanko

202-564-6731
202-669-5737 (cell)

ORD FOIA Coordinator, RRB Emergency Occupation Coordinator, ORD International Travel Coordinator, ORD Continuity of Operations Coordinator, ORD Program Accountable Representative, ORD HQ Hazard & Risk Assessment Official, ORD HQ Safety & Health Manager

Immediate Office, Office of Administrative and Research Support
EPA, Office of Research and Development

From: foia@erulemaking.net [<mailto:foia@erulemaking.net>]

Sent: Wednesday, June 29, 2016 11:14 AM

To: Evanko, Peter <Evanko.Peter@epa.gov>

Subject: FOIA Assignment for Request Detail Task for Request EPA-HQ-2016-007707

You have been assigned to the FOIA task - Request Detail Task. Additional details for this item are as follows:

- Assigned By: Scott Levine
- Tracking Number: EPA-HQ-2016-007707
- Due Date: 08/01/2016
- Sent Date: 06/29/2016
- Requester: Steven J. Milloy
- Request Track: Simple
- Short Description: Per 6/21 email w/ Peter Evanko, tasked to ORD for assignment.
- Long Description: N/A

Brown, Janice

From: Bulletin Intelligence <epa@bulletinintelligence.com>
Sent: Monday, August 08, 2016 6:58 AM
To: epa@BulletinIntelligence.com
Subject: EPA Daily News Briefing for Monday, August 8, 2016
Attachments: epaNewsBriefing160808.doc

Mobile version and searchable archives available at epa.bulletinintelligence.com.



EPA Daily News Briefing

Bulletin
INTELLIGENCE

TO: ADMINISTRATOR AND SENIOR EXECUTIVES

DATE: MONDAY, AUGUST 8, 2016 7:00 AM EDT

TODAY'S TABLE OF CONTENTS

AIR

- Milloy: Independent Science Panel Accused Of Rubber-Stamping EPA's Desired Conclusions. (WT)
- Study: Smog Exposure Linked To Shorter Lives. (HEALTHDAY)

BROWNFIELDS/SUPERFUND/OTHER CLEANUPS

- Republicans Use One-Year Anniversary Of Gold King Mine Spill To Criticize EPA. (HILL, DURHER, DENP)
- Some Navajo Farmers Still Skeptical About Water A Year After Gold King Mine Spill. (AZCENTRAL, DENP)
- Locals Warm To Superfund Designation For Bonita Peak Mining District. (DURHER)
- Colorado Town Celebrates Anniversary Of Gold King Mine Spill. (AP)
- Long Island Sound Dredging. (N12LI, WLNYTV)
- Additional Reading.
 - Congressman Pallone Calls For "Brownfield" Funds. (ASBPP)
 - Superfund's Cleanup Vs. Silverton's Heritage. (DURHER)
 - Cleanup Planned For Part Of Kalamazoo River Superfund Site. (HC)
 - Who Profited From The Gold King Mine Spill? (DURHER)
 - Young: San Jacinto Waste Pits: Full Remediation. (HC)
 - The Long, Toxic History Of Burnsville's Freeway Landfill. (MINNST)
 - In wake of Gold King Spill, Lawmakers Push For Cleaning Up Mines. (DURHER)
 - EPA gives another \$710,000 To Entities Hurt By Gold King spill. (DENP)
 - Silverton Residents Enjoy 'EPA IPA' 1 Year After Gold King Mine Spill. (KCNCTV)

CLIMATE CHANGE

- Paris Climate Agreement Expected To Take Effect By Year's End. (HILL)
- Green Party Leaders See Neither Major Party Doing Enough For Environment. (HC)
- States-Led Coalition Wants Clean Power Plan Incentive Program Shut Down. (WASHEX)
- Brown Launches Moves To Advance Ballot Measure To Extend Cap-and-trade Amid Legislative Uncertainty. (LADN, WSJ)

ENERGY

- Clinton Supports Fracking Restrictions Rather Than Ban. (INTLBIZ)

ENFORCEMENT

- Consumer Reports: Volkswagen Should Pay Diesel Owner's More. (REU)

GRANTS

- Additional Reading.
 - Green Thumb Project Puts EPA Grant To Work. (KRKVDYEX)

PESTICIDES

- Florida Continues To Spray Insecticide In "Zika Zone." (CBS, ABC, NBC)
 - Florida Worried Zika Virus To Further Depress Tourism Industry. (AP)
 - FDA Grants Approval To GMO Mosquito Trial In Florida. (AP, BLOOM, REU, USAT)
 - Health Officials Confirm 16th Case Of Zika In Florida. (CBS, FOX)

RULES/REGULATIONS/POLICY

- Some US Refiners Suspect Manipulation Of Biofuel Credit Market. (HC)
- Fuel Efficiency Standards Said To Be "Imperative" In Fight Against Climate Change. (HILL)

WATER

- Rep. Todd Deutch: EPA Should Step In Against Florida Water Standard. (MH)
- Additional Reading.
 - Salem School Finds High Levels Of Lead In Water. (AP)
 - Professor: Blame Treasury, Not Just DEQ, In Flint Water Mess. (FREEP)
 - 9/11 Law Firm Takes On Flint Water Crisis. (NYPOST)
 - EPA Clarifies Secondhand 'Report' Of Lead In Fresno Resident's Urine. (FRSBEE)

AIR

Milloy: Independent Science Panel Accused Of Rubber-Stamping EPA's Desired Conclusions.

In an op-ed in the [Washington Times](#), (8/8, Milloy) Steve Milloy, senior fellow at the Energy and Environmental Legal Institute, accused the EPA of "illegally" stacking a panel of the agency's Clean Air Scientific Advisory Committee (CASAC) with "highly paid cronies." Milloy claims that the agency has spent millions "fabricating the notion that particulate matter in outdoor air kills," and that the CASAC has been "instrumental...in rubber-stamping the EPA's desired conclusions."

Study: Smog Exposure Linked To Shorter Lives.

[HealthDay](#) (8/5, Preidt) reported that a new study from the University of Southern California concluded that "higher exposure to the pollutants nitrogen dioxide, ozone and airborne particles was associated with an increased risk of early death."

BROWNFIELDS/SUPERFUND/OTHER CLEANUPS

Republicans Use One-Year Anniversary Of Gold King Mine Spill To Criticize EPA.

[The Hill](#) (8/5, Cama) reported that "Republicans are using the first anniversary" of the Gold King mine spill to criticize the EPA's response to the spill, claiming the agency "hasn't done enough to show accountability or responsibility for the spill and its aftermath." Since the spill, the EPA has spent nearly \$29 million on response and monitoring. Moreover, Mathy Stanislaus, who leads the agency's land and emergency response office, described how the agency has "improved and

tested stakeholder notification lists, instituted a headquarters review and state consultation process for all mine work plans prior to starting work at a site, provided grant assistance to foster collaboration and help support state and tribal water quality management programs, and are developing a national report on best practices."

The [Durango \(CO\) Herald](#) (8/5, Marcus) said it has requested an interview with EPA Administrator Gina McCarthy "to discuss lessons learned in the year since the spill and the politics surrounding it," but that "the agency did not make her available." The Herald said that EPA spokespeople "often ask for questions to be emailed, which results in statements sent in reply," adding that it's "difficult to get follow-up and clarification questions answered by EPA employees actually working on the project." Additionally, the [Denver Post](#) (8/5) features a photo gallery of the Gold King mine spill.

In an op-ed in the [Durango \(CO\) Herald](#), (8/6, Gardner) Colorado Sen. Cory Gardner wrote that he is "committed to seeing that the EPA is held fully accountable for its actions and to the same standard it expects private companies to meet." Sen. Gardner said he will push for businesses and localities to be "wholly compensated," and for responsible personnel to be held accountable.

Some Navajo Farmers Still Skeptical About Water A Year After Gold King Mine Spill.

The [Arizona Republic](#) (8/5, Loomis) reported Navajo farmers "have yet to recover from their losses or to fully trust their vital water source" a year after the Gold King Mine spill "sent 3 million gallons of poison rushing down the Animas and San Juan rivers." The EPA awarded the Navajo Nation \$465,000 to monitor water, but local Navajo chapter manager Alvis Kee said that those in Upper Fruitland are still awaiting results of water-quality tests. Kee said, "We don't know what the effects" of the water are. Sen. John McCain (R-AZ) and Sen. John Barrasso (R-WY) "grilled EPA officials during a Phoenix hearing last spring," and called for a criminal investigation into the incident. The EPA said this week that a criminal investigation remains underway, but a spokesman could not provide details. The [Denver Post](#) (8/5, Lewis) provides additional coverage of the "lasting" impact of the Gold King mine spill on the Navajo Nation.

Locals Warm To Superfund Designation For Bonita Peak Mining District.

The [Durango \(CO\) Herald](#) (8/6, Marcus) reports that despite local anxiety, some say that designating the Bonita Peak Mining District as a federal Superfund site "will likely leave the area the better off." Dave Holm, executive director of the Clear Creek Watershed Foundation, said that local jurisdictions have previously felt like the EPA took a "command and control" approach to Superfund sites, but that since then, the "EPA learned a lot of hard lessons about how important the community relations are in Superfund areas."

Colorado Town Celebrates Anniversary Of Gold King Mine Spill.

The [AP](#) (8/5, Elliott) reported in continuing coverage that a year after the Gold King Mine waste spill "turned their river a weird yellow-orange," residents of Silverton, Colorado staged "Super FunDays," a festive event that includes a community party and a "specially brewed beer the color of the spill." Last year's mine spill "sent wastewater containing arsenic, lead and other heavy metals into the Animas River near Silverton, and the pollution reached rivers in New Mexico and Utah." Political and legal battles are still underway, and the EPA "is moving slowly and deliberately toward launching a massive Superfund cleanup." The AP mentions that an Interior Department investigation last year concluded the EPA's cleanup crew "could have avoided the spill but rushed its work," yet found no evidence of criminal wrongdoing.

Long Island Sound Dredging.

[N12LI-TV](#) (8/5, 8:35 a.m. EDT) reported, "Governor Cuomo is now stepping into the fight over a controversial plan to dredge materials from Connecticut in Long Island Sound. Governor Cuomo says the state will sue the EPA if it tries to create a permanent dumpsite in the sound. The EPA is looking for a new spot in the sound to dump dredged materials from Connecticut. Cuomo joined local elected officials at sunken meadow state park yesterday to announce his opposition...The EPA says it hasn't made a final decision, but did extend by 30 years a dumping permit at another site in the sound." [WLNy-TV](#) New York (8/7, 9:17 p.m. EDT) also ran a similar story.

Additional Reading.

- **Congressman Pallone Calls For "Brownfield" Funds.** [Asbury Park \(NJ\) Press](#) (8/5).
- **Superfund's Cleanup Vs. Silverton's Heritage.** [Durango \(CO\) Herald](#) (8/7).
- **Cleanup Planned For Part Of Kalamazoo River Superfund Site.** [Houston \(TX\) Chronicle](#) (8/6).
- **Who Profited From The Gold King Mine Spill?** [Durango \(CO\) Herald](#). (8/5)
- **Young: San Jacinto Waste Pits: Full Remediation.** [Houston \(TX\) Chronicle](#) (8/5).
- **The Long, Toxic History Of Burnsville's Freeway Landfill.** [Minneapolis \(MN\) Star Tribune](#) (8/5, Nelson).
- **In wake of Gold King Spill, Lawmakers Push For Cleaning Up Mines.** [Durango \(CO\) Herald](#) (8/6).
- **EPA gives another \$710,000 To Entities Hurt By Gold King spill.** [Denver \(CO\) Post](#) (8/5).
- **Silverton Residents Enjoy 'EPA IPA' 1 Year After Gold King Mine Spill.** [KCNC-TV](#) Denver (8/7).

CLIMATE CHANGE

Paris Climate Agreement Expected To Take Effect By Year's End.

[The Hill](#) (8/5, Cama) reported that according to a report from the government of the Marshall Islands, the Paris climate agreement reached in 2015 will likely take effect by the end of the year. Countries planning to ratify the agreement this year include Peru, China, and the US. At least 55 nations must ratify the accord for it to take effect. Marshall Islands President Hilda Heine in a statement wrote, "What we agreed in Paris at the end of last year will likely now have the force of the law by the end of this year. This is a big recognition of the urgency with which we must now get on with the job."

Green Party Leaders See Neither Major Party Doing Enough For Environment.

The [Houston Chronicle](#) (8/5, McGuire) reports that the Green Party leaders say neither Republicans nor Democrats go far enough on the environment. The Greens want bigger cuts in greenhouse gas emissions on a more aggressive timetable than what was established in the 2015 Paris Agreement. They support clean energy but oppose nuclear energy, biomass and biofuels. The Greens "also veer away from the mainstream" on GMOs. The Chronicle reports that the Green Party platform is a "tough sell" in Texas.

States-Led Coalition Wants Clean Power Plan Incentive Program Shut Down.

An article in the [Washington Examiner](#) (8/8, Siciliano) reported that 27 attorneys general that are part of the challenge to the EPA's Clean Power Plan advised the agency earlier this month "that states aren't likely to participate in the rulemaking process for the agency's Clean Energy Incentive Program while the power plan remains halted by the court." In a letter placed in the EPA's official docket, the attorneys general asked EPA Administrator Gina McCarthy to extend the comment period for CEIP for 60 days after the stay is lifted, or alternatively, to kill the plan if it is rejected by the Supreme Court.

Brown Launches Moves To Advance Ballot Measure To Extend Cap-and-trade Amid Legislative Uncertainty.

The [Los Angeles Daily News](#) (8/7, Rosenhall) reports that in a bid to secure the fate of California's cap-and-trade program, Gov. Jerry Brown on Thursday opened a fundraising committee, "taking the first step toward putting an environmental initiative on the 2018 ballot in case the bill fails in the Legislature." Brown aide Nancy McFadden wrote in a statement, "We are going to extend our climate goals and cap-and-trade program one way or another," adding that Brown "will continue working with the Legislature to get this done this year, next year or on the ballot in 2018." The [Wall Street Journal](#) (8/7, Lazo) reports that a battle over the state's environmental policy looms. California's Air Resources Board said current legislation doesn't require an extension, but the Brown's office was considering a bill to demonstrate certainty to the market with legislative support.

ENERGY

Clinton Supports Fracking Restrictions Rather Than Ban.

[International Business Times](#) (8/6, Mindock) reported Democratic presidential nominee Hillary Clinton raised an estimated \$650,000 at a Colorado fundraiser this week hosted by the "deep-pocketed" Charif Souki, "who amassed his fortune working for natural gas companies, including...Tellurian Investments." Under Clinton, the US State Department "was a major proponent of fracking, and her campaign has benefited from millions of dollars from donors connected to the oil and gas industry," according to a recent Greenpeace report. During the primary season, Clinton "refused to say that she would completely ban fracking as president but implied that with the various restrictions she supports, including the ones being fought for in Colorado, there wouldn't be a lot of land left over for fracking developments."

ENFORCEMENT

Consumer Reports: Volkswagen Should Pay Diesel Owner's More.

[Reuters](#) (8/5, Shepardson) reported that "Consumer Reports urged the Justice Department to hike compensation to 475,000 owners of polluting Volkswagen diesel vehicles and allow owners who opt for a fix to reconsider." The comments filed on the proposed settlement, "the magazine said the buyback offer undervalues retail prices and urged the use of values that 'would lead to buyback offers for consumers that would be at least several hundred dollars higher.'" In addition, Consumer Reports "wants owners who opt for a fix to be able to change their mind and instead sell the car back to Volkswagen because the car may perform differently once a fix is performed."

GRANTS

Additional Reading.

- **Green Thumb Project Puts EPA Grant To Work.** [Kirksville \(MO\) Daily Express](#). (8/5, Brown)

PESTICIDES

Florida Continues To Spray Insecticide In "Zika Zone."

In its lead story, the [CBS Evening News](#) (8/6, lead story, 2:00, Ninan) reported the number of Zika cases in the US "topped 1,800 this week," including 16 cases in Miami where health officials say the virus is being spread by local mosquitoes. Marlie Hall reported insecticide is being sprayed over the "Zika zone" by both land and air as concerns over the virus threaten the state's tourism industry. Florida Gov. Rick Scott is shown saying, "We've tested over 20,000 mosquitoes now in our state, and we've not found one mosquito with Zika." [ABC World News Tonight](#) (8/6, story 6, 1:40, Vega) reported the state might also deploy a genetically modified mosquito to help fight the virus, after the FDA approved its use.

[NBC Nightly News](#) (8/6, story 8, 2:05, Holt) added that the CDC reports 479 pregnant women with Zika in the US, although it is not known if any of those infected in Florida are pregnant women.

Florida Worried Zika Virus To Further Depress Tourism Industry. The [AP](#) (8/6, Lush) reports the Zika virus outbreak "has sent another chill through the Sunshine State's all-important tourism industry just weeks after the Orlando nightclub massacre and the killing of a 2-year-old boy by an alligator at nearby Walt Disney World." The AP explains Zika only appears to have hurt "a few business owners in the affected square-mile neighborhood" and has "done little damage to tourism so far"

FDA Grants Approval To GMO Mosquito Trial In Florida. The [AP](#) (8/5, Kay) reports the Food and Drug Administration's Center for Veterinary Medicine on Friday provided its final approval to biotech company Oxitec's "plan to release genetically modified mosquitoes in Florida, but none of the insects will be immediately dispatched in the state's fight against the spread of Zika." [Bloomberg News](#) (8/5, Edney) explains that the company "genetically modifies the males of a species of mosquito known as *Aedes aegypti* so that their offspring die young, helping limit the spread of Zika, dengue, chikungunya, yellow fever and other pathogens carried by the pests."

[Reuters](#) (8/5, Steenhuisen) adds that prior to launching the trial, Oxitec "must first await the results of a vote in the Nov. 8 general election seeking community approval for the trial." While [Reuters](#) (8/5, Grover) reports the FDA said the field trial "would not have a significant impact on the environment," [USA Today](#) (8/5, Szabo) acknowledges that "some local residents" have been critical of "the trial because of unknown effects on wildlife and humans."

Health Officials Confirm 16th Case Of Zika In Florida. The [CBS Evening News](#) (8/5, story 9, 2:10, DuBois) reported Florida health officials said Friday that another person has been infected with the Zika virus, bringing the total number of people infected by local mosquitoes to 16. [Fox News' Special Report](#) (8/5) broadcast state officials "are hunting the insects by land and air," and are planning to "continue spraying insecticide over a 10 square mile area this weekend."

On [Fox News' Special Report](#) (8/5), medical analyst Dr. Marc Siegel said the outbreak in Florida is "absolutely not" likely to spark a wider spread of the virus in the US. He explained, "There's a lot of precedent for this, for this not happening, with the related virus called dengue fever, which has many more cases around the world and has never had anything more than sporadic cases in Florida."

RULES/REGULATIONS/POLICY

Some US Refiners Suspect Manipulation Of Biofuel Credit Market.

The [Houston Chronicle](#) (8/5, Osborne) reported that US refiners who have been "struggling with the soaring costs of the biofuel credits" necessary in order to meet EPA mandates are growing suspicious that credit prices are being manipulated on "the shadowy market where credits are traded." Since the start of 2016, Renewable Identification Number prices have climbed "close to 40 percent to around \$1, squeezing refiners at the same time profit margins on gasoline production have fallen sharply." However, RIN prices have been volatile for years, rising and falling "from a few cents to more than \$1.40 in 2013 and back to 70 cents at the beginning of this year."

Fuel Efficiency Standards Said To Be "Imperative" In Fight Against Climate Change.

In an op-ed in [The Hill](#) (8/5, Linhardt) Andrew Linhardt, Sierra Club Transportation Representative, strongly praises the Obama Administration's fuel efficiency standards, known as the CAFE standards. He describes the benefits of the standards, which are "spurring innovation, cutting oil use, reducing emissions, and saving drivers money at the pump," and concludes that it is "imperative that the governmental agencies renew these lifesaving standards."

WATER

Rep. Todd Deutch: EPA Should Step In Against Florida Water Standard.

In a letter to the editor of the [Miami Herald](#), (8/7) Florida Rep. Ted Deutch criticizes state regulators and Gov. Scott's administration for passing a plan to "gut Florida's surface water toxicity standards." He calls the plan a "giveaway to polluters that also opens a backdoor to fracking," and calls on the EPA to "step in as the last line of defense against the governor's blatant disregard for the health of our waterways and risks to our families."

Additional Reading.

- **Salem School Finds High Levels Of Lead In Water.** [AP](#) (8/6).
- **Professor: Blame Treasury, Not ust DEQ, In Flint Water Mess.** [Detroit \(MI\) Free Press..](#) (8/6)
- **9/11 Law Firm Takes On Flint Water Crisis.** [New York Post](#) (8/6).
- **EPA Clarifies Secondhand 'Report' Of Lead In Fresno Resident's Urine.** [Fresno \(CA\) Bee](#) (8/5).

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Brown, Janice

From: Coberly, Dan
Sent: Monday, August 08, 2016 7:51 AM
To: Benson, William
Cc: Hines, Ronald; Cascio, Wayne; Fisher, Bill; Saterson, Kathryn; Russo, Bill; Jones, Marjorie
Subject: Milloy: Independent Science Panel Accused Of Rubber-Stamping EPA's Desired Conclusions

(this topic and adversary consistently pops up prior to elections with a new, impressive-sounding title...in this case the *Energy & Environmental Legal Institute* is the former "American Traditions Institute", an org that was alleged to have broken state laws in Colorado for failing to register as a political committee*)...

Milloy: Independent Science Panel Accused Of Rubber-Stamping EPA's Desired Conclusions.

In an op-ed in the [Washington Times](#), (8/8, Milloy) Steve Milloy, senior fellow at the Energy and Environmental Legal Institute, accused the EPA of "illegally" stacking a panel of the agency's Clean Air Scientific Advisory Committee (CASAC) with "highly paid cronies." Milloy claims that the agency has spent millions "fabricating the notion that particulate matter in outdoor air kills," and that the CASAC has been "instrumental...in rubber-stamping the EPA's desired conclusions."

*** Energy & Environment Legal Institute**



This article is part of the Center for Media & Democracy's spotlight on front groups and corporate spin.



Learn more from the Center for Media and Democracy's research on climate change.

The **Energy & Environment Legal Institute** (E&E Legal) (formerly the **American Tradition Institute**(ATI)) is a 501(c)(3) nonprofit headquartered in Washington, DC; and formerly also headquartered in Colorado. According to its website, "In September 2013, E&E Legal's Board of Directors voted to refine its focus primarily to the area of strategic litigation, and to change its name in order to reflect more accurately its work in the legal arena."^[1] The name "American Tradition Institute" and that of its 501(c)(4) partner organization "American Tradition Partnership"/"Western Tradition Partnership" (ATP/WTP) are prominently associated with a controversy over campaign finance during the 2010 elections. According to the *Huffington Post*, "During the 2010 elections, the Montana Commission of Political Practices found that the organization broke state campaign laws by failing to register as a political committee or report its donors and spending. The state suggested WTP/ATP was involved in corruption and money laundering."^[2]

According to its mission statement, E&E Legal is "engaged in strategic litigation, policy research, and public education on important energy and environmental issues" and "seeks to address and correct onerous federal and state governmental actions that negatively impact energy and the environment. E&E Legal advocates responsible resource development, sound science, respect for property rights, and a commitment to markets as it holds accountable those who seek excessive and destructive government regulation that's based on agenda-driven policy making, junk science, and hysteria."^[1]

The group's website at one time stated that it "is part of a broader network of groups with close ties to energy interests that have long fought greenhouse gas regulation." The group has "connections with the Koch brothers, Art Pope and other conservative donors seeking to expand their political influence," reported the Institute for Southern Studies in October 2011.^[3]

In 2011, E&E Legal (then ATI) sued the University of Virginia to get access to the emails of climatologist Michael Mann.

Background

When ATI was formed in 2009/2010, it sprung from a [501\(c\)\(4\)](#) group called the [Western Tradition Partnership](#), which was formed in Colorado in 2008.

"The [Western Tradition Partnership](#) (WTP)...[was] a political advocacy group backed primarily by the energy industry. It was first registered as a Colorado nonprofit [501(c)(4)] in 2008 by Scott Shires, a Republican operative who pleaded guilty that same year to fraudulently obtaining federal grants to develop alternative fuels."^[4]

"In 2010 WTP changed its name to American Tradition Partnership (ATP), and announced that it had launched the American Tradition Institute, a [501\(c\)\(3\)](#) think tank that would be "battling radical environmentalist junk science head on." The "junk science" ATP seems most concerned with is what the US National Academy of Sciences says should now be regarded as "settled facts" -- that the Earth is warming and humans are the likely cause."^[4]

Ties to the Coal Industry

ATI legal fellow Chris Horner was to be featured as a speaker at the 2015 Coal and Investment Leadership Forum, an invitation-only retreat that brings together coal industry executives, Republican donors, and other "stakeholders," according to an invitation obtained by the Center for Media and Democracy and reported on by *The Guardian*. Others named in the 2015 invitation included likely presidential candidate [Jeb Bush](#), [Tennessee Valley Authority](#) president Bill Johns, and "the owners and chief executives of coalmining and energy companies" including [Alliance Resource Partners](#), [Alpha Natural Resources](#), [Consol Energy](#), [Drummond Company](#), [Arch Coal](#), and [United Coal Company](#).^[5] According to *The Guardian*,

The invitations to the three-day forum promise access to influential figures – including a potential future occupant of the White House – in a relaxed setting, with time for cocktails, golf lessons, and fishing. The \$7,500 fee does not include lodging.

"Once again, significant time will also be available for golf, fly fishing, one-on-one meetings and small VIP discussion groups, which is the hallmark of this conference," the invitation reads.^[5]

Activities

Subverting Wind Power

On May 8, 2012, the *Guardian* posted a [confidential memo](#) prepared by a fellow of then-ATI that advises how to build a national movement of wind farm protesters. Among its main recommendations, the proposal calls for a national PR campaign aimed at causing "subversion in message of [wind] industry so that it

effectively becomes so bad that no one wants to admit in public they are for it." It suggests setting up "dummy businesses" to buy anti-wind billboards, and creating a "counter-intelligence branch" to track the wind energy industry. It also calls for spending \$750,000 to create an organization with paid staff and tax-exempt status dedicated to building public opposition to state and federal government policies encouraging the wind energy industry.

The proposal was discussed at a meeting of self-styled 'wind warriors' from across the country in Washington DC in February 2012. Participants included members of conservative groups such as [Committee for a Constructive Tomorrow](#) and [Tea Party Patriots](#).

The proposal was reviewed by [John Droz Jr.](#), a senior fellow at ATI, for discussion at the Washington meeting, which he also organised. ATI's executive director, [Tom Tanton](#), told the Guardian that Droz had acted alone on the memo, although he remains a fellow at ATI. Droz is a longtime opponent of wind farms, arguing that the technology has not yet been proven and that wind technology should not receive government support. He claims 10,000 subscribers to his anti-wind-power email newsletter. In a telephone interview, Droz said the Washington strategy session was his own initiative, and that neither he nor any of the participants had been paid for attending the session.^[6]

2011 Colorado Lawsuit Over Renewable Energy Standard Mandate

On April 4, 2011, then-ATI, the American Tradition Partnership and plaintiff Rod Lueck sued the State of Colorado and several officials over the constitutionality of the state's Renewable Energy Standard mandate. The RES requires the state's major utilities (mainly Xcel Energy) to obtain 30 percent of their power generation from renewable sources by the year 2020.

The group also released a [2011 report](#) with [Beacon Hill Institute](#) in favor of repealing Ohio's Alternative Energy Portfolio Standard, arguing that renewable energy would drive up electricity costs and hurt the state economy. The repeal did not move forward.

2011 Michael Mann E-mails

In 2011, then-ATI issued a [FOIA](#) request to the University of Virginia for emails sent by climate scientist Michael Mann during his tenure at that university. On May 25, 2011, an agreement was reached in which UVA agreed to release 9000 documents to ATI within 90 days.^[citation needed]

But on November 2, 2011, a Virginia county circuit judge issued a procedural ruling^[7] that was "a huge setback for ATI":

"The court allowed that there was reason for UVA to reopen the protective order before the court. The original protective order would have allowed ATI to review the emails themselves. That court order is now invalid. ATI will not see the exempt emails. ...Now, a neutral party will be able to see the emails, not ATI. The neutral party must be agreed upon by all parties...", Scott Mandia reported Michael Mann saying.^{[8], [9]}

What had changed? University of Virginia court filings^{[10][11]} had argued that ATI publicity and actions of ATI principals [David W. Schnare](#) and [Christopher Horner](#) - who were both the attorneys and the petitioners in this case - had raised questions about whether with these dual roles they could be trusted to abide by the previous ruling's requirement to keep the content of the exempt emails private.^[12] [See [Schnare's SourceWatch](#) page for his response.]

In July 2012, the *Guardian* reported that ATI had begun seeking the release of scientists' communications with specific journalists -- the first time the media was being drawn into FOIA requests concerning climate science. The list of news organizations includes the *New York Times*, the Associated Press, Frontline, and the *Guardian*.^[13]

2009 Colorado Campaign: Corporate Money and Disclosures

"In 2009, the group sued Longmont, CO over their Fair Campaign Practices Act. The city settled and agreed to drop disclosure requirements. In 2010, after the U.S. Supreme Court's Citizens United decision, WTP/ATP successfully challenged the constitutionality of the Montana Corrupt Practices Act of 1912, which prohibited independent political expenditures by corporations."^[4]

Disciplinary Actions

2010 Montana Ruling

"During the 2010 elections, the Montana Commission of Political Practices found that the organization broke state campaign laws by failing to register as a political committee or report its donors and spending. The state suggested WTP/ATP was involved in corruption and money laundering. They found that it solicited unlimited contributions to support candidates and then passed them through a "sham organization," the Bozeman-based political action committee The Coalition for Energy and the Environment that ran attack ads against Democrats. WTP told corporations that it aimed to combat "radical environmentalists" and "beat them at their own game" and that their contributions would remain secret."^[4]

Funding and IRS Status

American Tradition Institute was the dba name of the **Western Tradition Institute** 501(c)(3). Guidestar lists it as EIN #264239065, ruling date 07/2009. The IRS still reports the group with that EIN as being called the "Western Tradition Institute" as of March 2014, despite two intervening name changes.^[14]

E&E Legal does not fully disclose its funders. However, the following list of its 2010 funders revealed by the [Institute for Southern Studies](#):^[15]

- [American Tradition Partnership](#) (ATP, ATI's sister organization): \$40,000
- [Atlas Economic Research Foundation](#): 5,000
- [Doug Lair](#): \$5,000
- [Lair Family Foundation](#): \$135,000

The [Atlas Economic Research Foundation](#) -- which received over \$1 million in funding from Exxon Mobil between 1998 and 2011; \$122,300 from the Koch foundations between 1997 and 2008; and \$735,000 from the Pope Foundation between 1997 and 2008^[16]

According to ATI's 2010 IRS Form 990, its personnel are all volunteers; whether some^[17] are paid by ATI's sister 501(c)(4), [Western Tradition Partnership](#), is unknown, as that group did not file a return with the IRS that year.^[18] The group's 2012 Form 990 (which still, despite being filed in November 2013, lists the group as ATI despite the group's website stating that it had

changed its name in September 2013) still lists no compensated employees, and "other salaries and wages" of only \$8,830 for the year.^[19]

There are two versions of its 2010 IRS Form 990 online, an [original return](#) by Scott Shires available on Guidestar and an [amended return](#) by another preparer available at the Institute for Southern Studies. The original return shows 30 volunteers and 1 independent director where the amended return shows 3 volunteers and 3 independent directors (although only one is named), and there are also other differences.

The ATI website's About page says that "ATI accepts no government grants, and our financial backing has to date primarily derived from a broad and growing base of grassroots contributors."^[20] In 2010, \$140k of its \$186k of funding reportedly came from Doug Lair (whose family sold Lair Petroleum to William Koch in 1989)^[3] and the Lair Family Foundation. (The remainder was \$1k from memberships, \$40k from the [American Tradition Partnership](#), and \$5k from [Atlas Economic Research Foundation](#)).^[21]

Partnership with George Mason University School of Law

As of 2012, the George Mason Environmental Law Clinic (GMELC) at [George Mason University](#) served as the attorneys for then-ATI, according to GMELC's 2012 IRS filing.^[22] The clinic was led by the following people:

- [David W. Schnare](#), Law Clinic Director and Board Director
- [Steven Gold](#), Board Director
- [Michael Thompson](#), Board Director
- [Christopher C. Horner](#), Litigation Attorney

As of May 2013, the billable hours for then-ATI cases were shared between ATI and GMELC, with the division being made on a case-by-case basis.^[22]

GMELC is now known as the "Free Market Environmental Law Clinic" (FME Law). According to its website, "the Directors of FME Law engaged in a friendly and supportive discussion with the Dean of the George Mason University School of Law and recognized that the clinic could better perform its function by servicing multiple law schools as a stand-alone clinic. The Board thus directed a name change to reflect this broadened purpose. Until completion of the legal transition to its new name, the Clinic is doing business as the Free Market Environmental Law Clinic but must retain its original name for banking and tax purposes." It goes on to explain, "It remains in close cooperation with George Mason University's School of Law and provides both academic courses and clinical opportunities for GMU Law students and is expanding its externship program to other law schools that have a doctrinal focus on law and economics."^[23]

Personnel

Board Members

As of March 2014, the group's website references a "five member Board of Directors,"^[1] and [Greg Walcher](#) is listed as a board member,^[24] but no other board members

are listed. But as of the November 2013 filing of its 2012 IRS Form 990, the following makes up its five-member board:^[19]

- [David W. Schnare](#), Treasurer
- Nick Spyros, Chairman
- Dennis Champion, Director
- [Greg Walcher](#), Director
- [Geoff Goble](#), Director

As of June 2013:^[25]

- Nick Spyros
- Dennis Champion

Former board members include:^[26]

- Dan Reed
- John Reed

Staff

As of March 2014:^{[27][24]}

- Dr. [David W. Schnare](#), General Counsel
- [Christopher C. Horner](#), Senior Legal Fellow. Horner is also a Senior Fellow at the [Competitive Enterprise Institute](#).^[28]
- Tom Tanton, Director, Science & Technology Assessment
- Craig Richardson, Executive Director
- Amy Oliver Cooke (energy policy expert and blogger for the [Independence Institute](#), Colorado's [State Policy Network pressure group](#)), Senior Media Fellow
- [Steve Milloy](#) (founder and publisher of [JunkScience.com](#)), Senior Policy Fellow
- Jenna Ashley Robinson (Director of Outreach at the [John W. Pope Center for Higher Education Policy](#) and former E.A. Morris Fellowship Assistant at the [John Locke Foundation](#), North Carolina's [SPN member](#)), Senior Policy Fellow
- George Taylor (founder of [Palmetto Energy Research](#)), Senior Policy Fellow
- [Greg Walcher](#) (President, [Natural Resources Group](#); former head of the Colorado Department of Natural Resources; former President, [Club 20](#)), Board Member and Senior Policy Fellow

Former staff include:^[26]

- [Paul Chesser](#), Executive Director
- Mark Newgent, Associate Research Fellow

Core Financials

2012:^[19]

- Total Revenue: \$553,953
- Total Expenses: \$407,810
- Net Assets: \$159,927

2011:^[29]

- Total Revenue: \$319,580
- Total Expenses: \$422,148
- Net Assets: \$13,784

2010:^[30]

- Total Revenue: \$186,000
- Total Expenses: \$70,140
- Net Assets: \$116,352

2009:^[30]

- Total Revenue: \$10,000
- Total Expenses: \$9,508
- Net Assets: \$492

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Denver, CO 80202

E-mail: info AT atinstitute.org

Facebook: <http://www.facebook.com/AmericanTraditionInstitute>

Twitter: <http://twitter.com/ATIEnergyEnvrmt>

Articles and Resources

Related SourceWatch Articles

- [Western Tradition Partnership](#)

External Resources

[American Tradition Institute website \(http://www.atinstitute.org](http://www.atinstitute.org) - not to be confused with the [American Tradition Partnership website at http://www.americantradition.org](http://www.americantradition.org))

External Articles

- Sue Sturgis, "[SPECIAL INVESTIGATION: Who's behind the 'information attacks' on climate scientists?](#)" Facing South, Oct. 31, 2011

References

1. ↑ [Jump up to: 1.0 1.1 1.2](#) Energy & Environment Legal Institute, [About](#), organizational website, accessed March 2014.
2. [Jump up↑](#) Shawn Lawrence Otto, [Climate Scientist Wins A Round for America](#), *Huffington Post*, November 1, 2011.
3. ↑ [Jump up to: 3.0 3.1](#) Sue Sturgis (2011-10-31). [SPECIAL INVESTIGATION: Who's behind the 'information attacks' on climate scientists?](#) -. The Institute for Southern Studies. Retrieved on 2011-11-01.
4. ↑ [Jump up to: 4.0 4.1 4.2 4.3](#) Shawn Lawrence Otto (2011-11-01). [Climate Scientist Wins A Round for America](#). *Huffington Post*. Retrieved on 2011-11-02.
5. ↑ [Jump up to: 5.0 5.1](#) Suzanne Goldenberg, ["Jeb Bush cozies up to coal industry barons at closed-door meeting,"](#) *The Guardian*, May 29, 2015.
6. [Jump up↑](#) Suzanne Goldberg, ["Conservative thinktanks step up attacks against Obama's clean energy strategy: Confidential memo seen by Guardian calls for climate change sceptics to turn American public against solar and wind power,"](#) *The Guardian*, May 8, 2012.
7. [Jump up↑](#) Rick Piltz (2011-11-02). [Favorable Virginia court procedural ruling in Michael Mann v. global warming denialist email raid](#). Climate Science Watch. Retrieved on 2011-11-09.
8. [Jump up↑](#) Michael Mann (2011-11-02). [Mike Mann's Thank You Letter to Supporters](#). Global Warming: Man or Myth. Retrieved on 2011-11-02.
9. [Jump up↑](#) Geoff Mohan (2011-11-02). [Judge restricts release of emails among climate scientists](#). Los Angeles Times. Retrieved on 2011-11-02. "A county Circuit judge in Virginia has sided with the University of Virginia's effort to restrict the release of personal emails from one of its former faculty members. The decision late Wednesday would allow the university to alter an agreement it had reached with the American Tradition Institute, which was seeking communications between Michael Mann, a physicist and climate scientist, and other scientists from 1999 to 2005, when Mann was employed by the university. The American Tradition Institute, headquartered in Washington, D.C., and Colorado, is a nonprofit policy research and education group that has close ties to energy interests that have opposed climate legislation, including the Koch Brothers."
10. [Jump up↑](#) ATI v. UVA, [support memorandum](#)

11. [Jump up](#) [ATI v. UVA, Kast affidavit](#)
12. [Jump up](#) [Timeline: Legal Harassment of Climate Scientist Michael Mann](#). Union of Concerned Scientists. Retrieved on 2011-11-03. "October 18: UVA files a petition with the court to alter the protective order, agreeing that it would be inappropriate to disclose exempt emails to ATI. In a supporting memorandum and a more extensive affidavit, UVA attorney Richard Kast outlines two concerns: first, regarding statements that ATI attorneys made on their website and in the press, and second, regarding how ATI attorney [David Schnare](#) represented his employment with the United States Environmental Protection Agency."
13. [Jump up](#) Suzanne Goldenberg, "[Rightwing US thinktank uses FoI laws to pursue climate scientists](#)," The Guardian, July 10, 2012.
14. [Jump up](#) U.S. Internal Revenue Service, [Exempt Organizations Select Check](#), government agency website, accessed March 10, 2014.
15. [Jump up](#) American Tradition Institute, [2010 Form 990](#), organizational annual IRS filing obtained by the Institute for Southern Studies, October 17, 2011.
16. [Jump up](#) Atlas Economic Research Foundation, [2011 Form 990](#), organizational annual IRS filing, November 1, 2012.
17. [Jump up](#) (David Schnare replied that he's not.)
18. [Jump up](#) Guidestar.org, 2011-12-02
19. [Jump up to 19.0 19.1 19.2](#) American Tradition Institute, [2012 Form 990](#), organizational annual IRS filing, November 21, 2013.
20. [Jump up](#) [About](#). American Tradition Institute. Retrieved on 2011-11-05.
21. [Jump up](#) Institute for Southern Studies, [ATI 2010 990](#)
22. [Jump up to 22.0 22.1](#) George Mason Environmental Law Clinic, [2012 Form 990](#), organizational annual IRS filing, May 11, 2013.
23. [Jump up](#) Free Market Environmental Law Clinic, [Donations](#), organizational website, accessed March 11, 2014.
24. [Jump up to 24.0 24.1](#) American Tradition Institute, [Fellows & Advisors](#), organizational website, accessed March 10, 2014.
25. [Jump up](#) American Tradition Institute, "[Senior Staff & Board](#)", organizational website, accessed June 2013
26. [Jump up to 26.0 26.1](#) [Staff & Board of Directors](#). American Tradition Institute. Retrieved on 2011-11-05.
27. [Jump up](#) American Tradition Institute, [Senior Leadership](#), organizational website, accessed March 10, 2014.
28. [Jump up](#) Competitive Enterprise Institute, "[Staff](#)," organizational website, accessed May 2015.
29. [Jump up](#) American Tradition Institute, [2011 Form 990](#), organizational annual IRS filing, November 15, 2012.
30. [Jump up to 30.0 30.1](#) American Tradition Institute, [2010 Form 990](#), organizational annual IRS filing, May 25, 2011.

[Categories:](#)

- [Front groups portal](#)
- [Climate change](#)

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Brown, Janice

From: Nelson, Daniel K.
Sent: Wednesday, August 10, 2016 2:27 PM
To: Cascio, Wayne; Devlin, Robert; Diaz-Sanchez, David; Wade, Tim; Schmitt, Michael
Subject: Milloy at NAS

FYI, we were just informed that NAS has scheduled their additional public meeting, to allow Milloy and colleagues to comment on the NAS project relating to our exposure studies. Speakers will include Steve Milloy, John Dunn and Stan Young (a biostatistician who reportedly has found no evidence of pollution-related mortality using death certificates). We will not be expected or invited to give a rebuttal during this open forum, but may want to submit a written response, and we may want to listen in.

The virtual meeting is scheduled for 1pm on August 24th. More details to follow.

Dan

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Daniel Nelson, Director  
Human Research Protocol Office (HRPO)  
National Health and Environmental Effects Research Laboratory (NHEERL)  
U.S. Environmental Protection Agency (EPA)  
[Nelson.Daniel@epa.gov](mailto:Nelson.Daniel@epa.gov)

Adjunct Professor of Social Medicine and Pediatrics  
Faculty Associate, Center for Bioethics  
University of North Carolina at Chapel Hill





## Brown, Janice

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**From:** Devlin, Robert  
**Sent:** Friday, August 12, 2016 8:15 AM  
**To:** Nelson, Daniel K.; Cascio, Wayne; Diaz-Sanchez, David; Wade, Tim  
**Subject:** RE: Corrupting an 'independent' science panel

Its rather ironic that he is focusing on CASAC because they are frequently at odds with the ISAs written by NCEA and usually demand substantial revisions. But that's usually to make the documents more complete and defensible, which I guess Milloy et al. would find harder to attack.

**From:** Nelson, Daniel K.  
**Sent:** Thursday, August 11, 2016 5:02 PM  
**To:** Cascio, Wayne <Cascio.Wayne@epa.gov>; Devlin, Robert <Devlin.Robert@epa.gov>; Diaz-Sanchez, David <Diaz-Sanchez.David@epa.gov>; Wade, Tim <Wade.Tim@epa.gov>  
**Subject:** FW: Corrupting an 'independent' science panel

FYI, this was the latest from Milloy. As David suggested, their latest lawsuit involved CASAC.

Dan

**From:** McGuinness, Moira  
**Sent:** Monday, August 08, 2016 3:18 PM  
**To:** Blackburn, Elizabeth <Blackburn.Elizabeth@epa.gov>; Mattas-Curry, Lahne <Mattas-Curry.Lahne@epa.gov>  
**Cc:** Hubbard, Carolyn <Hubbard.Carolyn@epa.gov>; Maguire, Megan <Maguire.Megan@epa.gov>; Piantanida, David <Piantanida.David@epa.gov>  
**Subject:** Corrupting an 'independent' science panel

### Corrupting an 'independent' science panel

<http://www.washingtontimes.com/news/2016/aug/7/epa-corrupting-an-independent-science-panel/>

By Steve Milloy -- Sunday, August 7, 2016

#### ANALYSIS/OPINION:

The [Environmental Protection Agency](#) has illegally stacked a key science advisory board with highly paid cronies — but nothing can be done about it. I have a comatose lawsuit to prove it.

We sued the [EPA](#) in May because a panel of the [agency's](#) Clean Air [Scientific Advisory Committee \(CASAC\)](#) was selected in violation of the Clean Air Act and the Federal Advisory Committee Act, both of which require that [CASAC](#) be independent and unbiased.

The [CASAC](#) panel of concern is its Particulate Matter Review Panel for 2015-2018. It will pass judgment on [EPA's](#) scientific assessment of the health risks of particulate matter (soot and dust) in outdoor air ahead of [EPA's](#) next mandated review of the existing standards for particulate matter, perhaps the [agency's](#) flagship regulatory program.

The [EPA](#) claims that particulate matter in outdoor air kills somewhere between 300,000 to 570,000 people per year. It has used this claim to fuel the Obama administration's coal industry-killing war on coal and the most expensive EPA regulation ever — its outdoor air standard for ozone (smog).

The [agency](#) has spent almost \$600 million on "scientific" research literally fabricating the notion that particulate matter in outdoor air kills. The [EPA's](#) "science" has been difficult to challenge since the [agency](#) has hidden the key data from the public and Congress for 20 years.

Instrumental to [EPA](#) has been [CASAC](#), which has spent the past 15 years rubber-stamping the [EPA's](#) desired conclusions.



In 1996 when the [EPA](#) first claimed that particulate matter killed, [CASAC](#) rejected the claim, writing, “[Death] does not appear to be unambiguously related to any single pollutant let alone a specific portion of the particulate matter.” Of the 21 members of that [CASAC](#) particulate matter panel, two-thirds did not receive funding from [EPA](#) and could plausibly be considered as “independent.”

But since agency didn’t like the [CASAC](#)’s conclusions, it reconstituted the particulate matter panel to get a more favorable result. During the 2000s, the [CASAC](#) particulate matter panel was more than two-thirds comprised of [EPA](#)-funded scientists and, not surprisingly, it saw things the [EPA](#)’s way.

Now that the Obama [EPA](#) has discovered the potency of its particulate matter as a regulatory weapon, the [EPA](#)’s “science” must be protected at all costs. Despite legal requirements to the contrary, the new particulate matter panel is clearly anything but independent and unbiased. Of its 26 members, 24 have received grants from [EPA](#) in an amount exceeding \$220 million. As [CASAC](#) works on a consensus basis, and the two non-[EPA](#)-funded panel members include a state regulator and a timid, token representative from an extremely cowed electric utility industry, “the fix is in” again.

Our lawsuit asked a federal court to order [EPA](#) to comply with the law and reconstitute the particulate matter panel so as to be independent and unbiased. The [EPA](#) responded with two primary arguments. First, the ever-arrogant [EPA](#) said it was not subject to the Federal Advisory Committee Act (FACA) — despite the fact that in its official announcement about the particulate matter panel’s formation, the [agency](#) stated the particulate matter subpanel “will comply with the provisions of FACA.”

The more problematic of [EPA](#)’s defenses against our lawsuit, however, is the [agency](#)’s assertion that my not-for-profit group lacks standing to bring the lawsuit in the first place. The [EPA](#) pointed to a very recent federal appellate court decision basically concluding that unless we offered up an individual plaintiff who was denied membership on the particulate matter panel, we could not sue until the entire particulate matter regulatory process was over, somewhere around 2018 or later. Recognizing the legal reality, we withdrew our lawsuit to avoid the court doing it for us with prejudice.

The [agency](#)’s argument might sound reasonable until you realize that the [EPA](#) is not actually required to follow advice from [CASAC](#). That’s how the [EPA](#) was able to regulate particulate matter on the basis that it kills in 1996 despite the conclusion to the contrary of the 1996 [CASAC](#) panel. It’s not hard to imagine that a future 2018 legal challenge to [EPA](#)’s new particulate matter regulations would be subject to an argument from [EPA](#) that the advice of [CASAC](#) doesn’t even really matter in the first place.

So why does the [EPA](#) even bother with [CASAC](#)? First, the Clean Air Act requires that [EPA](#) consult with a panel of independent scientists. Next and possibly more importantly, an [EPA](#)-friendly [CASAC](#) panel provides [EPA](#) scientific cover for its otherwise junk science-fueled regulatory agenda.

The larger point in all this is that Congress has enacted all sorts of “good government” laws aimed at ensuring that regulatory agencies like the [EPA](#) do their jobs properly and according to the law. But all this amounts to legal lip service, since there is no mechanism for the public to actually enforce them. My group is a public interest charity whose mission is, in part, to enforce good government laws. But as in the case of [EPA](#)’s [CASAC](#), that is not possible since Congress did not explicitly provide an enforcement mechanism such as a right to sue. Even in good government laws where Congress has provided a right to sue, such as the Freedom of Information Act, the laws fail to provide any legal consequences for agencies that fail to comply with their provisions. Not only have we had this experience with the [EPA](#), but consider the extreme case of Hillary Clinton’s blatant and consequence-free efforts to avoid public disclosure laws by using a private email server for official State Department business.

Good government laws are nice but without a means to enforce them and meaningful consequences when they are violated or disregarded, they are merely illusory and a fraud on the public.

Moir

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Moir McGuinness  
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**Brown, Janice**

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**From:** Nelson, Daniel K.  
**Sent:** Tuesday, August 16, 2016 10:59 AM  
**To:** Cascio, Wayne; Devlin, Robert; Diaz-Sanchez, David; Wade, Tim; Schmitt, Michael; Sinks, Tom; Greene, Mary; Kavlock, Robert  
**Cc:** Schonfeld, Toby  
**Subject:** NAS public meeting on Aug 24

Colleagues,

For those who have interest in hearing presentations at the recently-added public meeting of NAS (by Milloy, et al), here are the instructions. To my understanding, no one from EPA will be presenting this time (several of us presented at their launch meeting last year).

Dan

**From:** Luke, Orin [mailto:OLuke@nas.edu]  
**Sent:** Tuesday, August 16, 2016 10:38 AM  
**To:** Nelson, Daniel K. <Nelson.Daniel@epa.gov>  
**Subject:** RE: Agenda for upcoming information gathering session

This email contains instructions for joining the online open session of the **National Academies Committee on Assessing Toxicologic Risks to Human Subjects Used in Controlled Exposure Studies of Environmental Pollutants** to be held on Wednesday, August 24<sup>th</sup>. The session will begin at 1:00 PM (EDT) and end at approximately 4:00 PM.

We will use WebEx software to provide a common computer screen for visual aids presented during the session and we will use a telephone conference call for the audio portion.

### **Downloading and Testing the WebEx Software**

Although the necessary WebEx software will download onto your computer when you join the open session, I strongly encourage you to download the software prior to the session by clicking this link:

<https://nationalacademies.webex.com/nationalacademies/meetingcenter/mcsetup.php>

If you encounter difficulty installing the software, please let me know. Alternatively, you can contact WebEx technical support at 1-800-508-8758.

If you are not familiar with using WebEx, I recommend performing a test run. Please send me an email and I will arrange for a test.

### **Joining the Open Session on Wednesday, August 24<sup>th</sup>, 1:00 PM - approx. 4:00 PM (EDT)**

This WebEx link must be used to join the session:

<https://nationalacademies.webex.com/nationalacademies/j.php?MTID=mddc25f8c19cb84498fb02d795d6844f5>

After clicking on the link, you will be prompted to give your name and email address.

In case WebEx also asks you to provide a meeting number and password, please enter this information:

WebEx meeting number: 745094973

WebEx meeting password: y9uZecNT

After connecting to the WebEx session, please join the teleconference line by using these numbers:

Dial: 1-866-668-0721

Conference Code: 2778431744

On the WebEx screen, click on the tab labeled: "I Will Call In".

After it opens, you will see an Attendee ID.

Enter that ID using your telephone keypad, after you have dialed in using the teleconference information.

There will not be a prompt over the phone line to enter it.

Doing this will allow your name to appear on the WebEx list of participants.

WebEx offers a prompt to turn on your webcam. Please do not select that option, as multiple video feeds might slow down the overall transmission speed of the session.

When speaking during the session, please speak into your phone, which will be providing the audio feed.

To avoid causing background noise or an echo effect, please mute your phone line (dialing \*6) when you are not speaking.

*NOTICE: The WebEx service allows audio and any materials exchanged or viewed during the session to be recorded and shared. Please be aware that by participating in this activity, you consent to your voice, likeness, and any materials you provide, being recorded for use and dissemination, without payment of any compensation for such use, in any language, format, or media now known or later devised, and you release the National Academies of Sciences, Engineering, and Medicine from any and all claims, liability, or damages arising from any such use. The Academies will proceed in reliance upon such consent and release. If you do not consent to the foregoing, please do not join the session.*

### **Summary of Instructions for Joining the Open Session:**

- Click on this link to join the session:  
<https://nationalacademies.webex.com/nationalacademies/j.php?MTID=mddc25f8c19cb84498fb02d795d6844f5>
- If prompted, enter:
  - WebEx meeting number: 745 094 973
  - WebEx meeting password: y9uZecNT
- Teleconference information:
  - Dial: 1-866-668-0721
  - Conference Code: 2778431744
- On the WebEx screen, click on "I Will Call In"



- Enter the Attendee ID displayed on your computer screen, using your telephone keypad.

Kind regards,

Orin Luke  
Senior Program Assistant  
Board on Environmental Studies and Toxicology  
The National Academies of Sciences, Engineering, and Medicine  
500 Fifth Street, NW  
Keck Center W-624  
Washington, DC 20001  
T: 202.334.2034 | F: 202.334.1393 | E: : [oluke@nas.edu](mailto:oluke@nas.edu)  
[www.national-academies.org](http://www.national-academies.org)





## Brown, Janice

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**From:** Blackburn, Elizabeth  
**Sent:** Sunday, August 21, 2016 1:30 PM  
**To:** ORD-Exec-Council-Directors; ORD-IOAA-Front Office Support; Maguire, Megan; Matthews, Lisa; Maloney, Kelsey; Zambrana, Jose; Benforado, Jay; Gibbons, Dayna; ORD-Mgmt-Council  
**Subject:** Fwd: ORD/OSA Weekly Report 8/22/16

Hi all

Please see Tom's note to the Administrator below.

Liz

Liz Blackburn  
Chief of Staff  
EPA Office of Research and Development  
202-564-2192  
Cell 202-436-2453

Sent from my iPhone

Begin forwarded message:

**From:** "Burke, Thomas" <[Burke.Thomas@epa.gov](mailto:Burke.Thomas@epa.gov)>  
**Date:** August 21, 2016 at 11:26:12 AM EDT  
**To:** "Adm13McCarthy, Gina" <[Adm13McCarthy.Gina@epa.gov](mailto:Adm13McCarthy.Gina@epa.gov)>, "Meiburg, Stan" <[Meiburg.Stan@epa.gov](mailto:Meiburg.Stan@epa.gov)>, "Benenati, Frank" <[benenati.frank@epa.gov](mailto:benenati.frank@epa.gov)>, "Fritz, Matthew" <[Fritz.Matthew@epa.gov](mailto:Fritz.Matthew@epa.gov)>, "Vaught, Laura" <[Vaught.Laura@epa.gov](mailto:Vaught.Laura@epa.gov)>, "Pieh, Luseni" <[Pieh.Luseni@epa.gov](mailto:Pieh.Luseni@epa.gov)>, "Rupp, Mark" <[Rupp.Mark@epa.gov](mailto:Rupp.Mark@epa.gov)>, "Garbow, Avi" <[Garbow.Avi@epa.gov](mailto:Garbow.Avi@epa.gov)>, "Distefano, Nichole" <[DiStefano.Nichole@epa.gov](mailto:DiStefano.Nichole@epa.gov)>, "Ragland, Micah" <[Ragland.Micah@epa.gov](mailto:Ragland.Micah@epa.gov)>, "Giles-AA, Cynthia" <[Giles-AA.Cynthia@epa.gov](mailto:Giles-AA.Cynthia@epa.gov)>, "Beauvais, Joel" <[Beauvais.Joel@epa.gov](mailto:Beauvais.Joel@epa.gov)>, "McCabe, Janet" <[McCabe.Janet@epa.gov](mailto:McCabe.Janet@epa.gov)>, "Garvin, Shawn" <[garvin.shawn@epa.gov](mailto:garvin.shawn@epa.gov)>, "Flynn, Mike" <[Flynn.Mike@epa.gov](mailto:Flynn.Mike@epa.gov)>, "Kaplan, Robert" <[kaplan.robert@epa.gov](mailto:kaplan.robert@epa.gov)>  
**Cc:** "Kavlock, Robert" <[Kavlock.Robert@epa.gov](mailto:Kavlock.Robert@epa.gov)>, "Kadeli, Lek" <[Kadeli.Lek@epa.gov](mailto:Kadeli.Lek@epa.gov)>, "Blackburn, Elizabeth" <[Blackburn.Elizabeth@epa.gov](mailto:Blackburn.Elizabeth@epa.gov)>, "Hubbard, Carolyn" <[Hubbard.Carolyn@epa.gov](mailto:Hubbard.Carolyn@epa.gov)>, "Deener, Kathleen" <[Deener.Kathleen@epa.gov](mailto:Deener.Kathleen@epa.gov)>, "Robbins, Chris" <[Robbins.Chris@epa.gov](mailto:Robbins.Chris@epa.gov)>, "Corona, Elizabeth" <[Corona.Elizabeth@epa.gov](mailto:Corona.Elizabeth@epa.gov)>, "Kim, Hyon" <[Kim.Hyon@epa.gov](mailto:Kim.Hyon@epa.gov)>  
**Subject:** ORD/OSA Weekly Report 8/22/16

Administrator,

I will be travelling to Cincinnati this week. I look forward to giving the keynote address at the 13th Small Drinking Water Systems Workshop. There is a tremendous amount of interest and over 400 participants are expected. I will also hold a town hall with Cincinnati staff and look forward to spending some time with the folks who have led the technical support for our Flint efforts. Peter

Grevatt and I also will meet with a Board of Scientific Counselors subcommittee to discuss the importance of EPA water systems research and the valuable role the BOSC plays in providing advice on EPA water research.

### **PFC Sampling and Analytical Methods**

ORD has assembled a team to assist regions and programs to address concerns about QA, sampling and analysis methods and lab capacity to respond to the increased demand for PFOA/PFOS sampling. We will be working with Mike Flynn and Stan to convene a cross program coordinating meeting next week.

### **National Research Council Open Information Gathering Session**

The NRC Committee on Assessing Toxicologic Risks to Human Subjects Used in Controlled Exposure Studies of Environmental Pollutants will hold an open information-gathering session webinar on the afternoon of August 24th. Steve Milloy of Junk Science is scheduled to speak.

### **OMB visit to Corvallis**

ORD's Western Ecology Division will host the Office of Management and Budget's Environmental Branch at Corvallis, OR, on August 25 and Newport, OR, the following day for routine visits that will focus on buildings and other facilities.

### **Rhode Island Senators Reed and Whitehouse staff visit Narragansett lab**

On August 25, Staff for Senator Reed and Senator Whitehouse will visit ORD's Narragansett lab. They plan to talk with researchers about their work and tour the facility. They are interested in the following research areas: coastal resiliency, nutrient pollution in the bay, climate change impacts, ocean acidification, and algal blooms.

### **Draft ETBE IRIS Assessment**

On August 26 we plan to release the draft IRIS toxicological assessment of Ethyl Tertiary Butyl Ether (ETBE) for public comment and discussion. ETBE was used as a fuel additive for gasoline but eliminated in the United States in 2006; however is still used internationally for increasing octane ratings in gasoline. This draft IRIS assessment addresses the potential cancer and non-cancer human health effects resulting from ETBE.



## **Last Week**

### **Flint Data Meeting**

ORD attended the data meeting in Chicago on August 15. We presented chlorine data, information on point of use device effectiveness, and data from the water treatment plant, including pH, alkalinity, chlorine levels, and filter study data, as well as four data sets on lead results from the pipe loop rigs. Mark Edwards of Virginia Tech shared lead sampling data and information on Legionella. Region 5 will produce a report summarizing information from this meeting.

### **EPA urban Resilience report Presentation to DC Officials**

On August 17, ORD and Region 3 briefed the DC Office of Planning on a soon to be released report, "Evaluating Urban Resilience to Climate Change: A Multi-Sector Approach." Since DC is now one of the Rockefeller Foundation's 100 Resilient Cities, DC's planning office is interested in EPA's approach to assessing resilience across urban sectors and for the specific DC case study mentioned in the report.

### **OMB meeting about Title 42**

On August 17, ORD and OCFO met with OMB to update them on our use of the Title 42 authority. The update included our overall strategic framework for the program and implementation of staff level hiring to be more responsive to national, high priority science needs, such as rapid toxic chemical assessment, drinking water systems, and human exposure science. The lead OMB examiner said the briefing was great and asked that we continue working with them as we move forward with additional enhancements to the program.

### **Patent Data and Lab to Market Cross Agency Goal**

Technology Transfer staff, working with OEI, accomplished an OSTP Lab-to-Market Cross-Agency Priority goal by publishing EPA patent data on [data.gov](https://data.gov), the official U.S. government site providing increased public access to federal government datasets. To further expand access, EPA's patent data will also be included in the Federal Laboratory Consortium's Technology Locator, a service that provides immediate, personalized search assistance and referrals that connect entrepreneurs, technology seekers and other industry representatives with federal laboratory expertise and technologies to further their R&D goals.

## **Peer Review of Draft Guidelines for Human Exposure Assessment**

Last week Versar, an independent contractor to the EPA, conducted a peer review meeting of the Risk Assessment Forum's draft Guidelines for Human Exposure Assessment. The document includes advances in science and policies adopted by the agency since 1992 when the current guidelines were published. Overall the review was favorable. EPA received substantive and constructive comments on ways to further improve the organization and content of the document. EPA will update the draft guidelines, taking the peer review report and public comments into consideration.

## **More Ecovative News: Products Provide Viable Alternatives to Formaldehyde**

Last month's press release about the final rule under TSCA reform that aims to reduce the exposure of formaldehyde vapors from certain wood products cited Ecovative products as viable alternatives. It also mentioned the support they have received from the EPA Small Business Innovation Research program. While Ecovative is continuing to establish itself in the shipping and packaging field, they are also determined to continue their expansion into other sustainable markets. They are currently exploring options for implementing their MycoFlex™ technology in desks and seat cushions. The composition of these products is the same as those originally developed with EPA support.

## **Publications**

### **ORD Water Research Paper: Top 20 on Arsenic Science**

ORD/OW journal article ranked #1 on the Top 20 list of published papers on arsenic science in the *Journal Water Research*. The article, *Arsenic species in drinking water wells in the USA with high arsenic concentrations*, has been listed as the top article for all published papers on arsenic science. Arsenic speciation was conducted on 65 well waters in the USA. Ninety-one percent of the well waters had one dominant species of arsenic. Regional breakdown found As III to be dominant in Midwest with As V dominant in the other three regions. Temporal arsenic speciation test results were very consistent for up to 36 months of sampling.



**Brown, Janice**

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**From:** Coberly, Dan  
**Sent:** Wednesday, August 24, 2016 8:18 AM  
**To:** Benson, William  
**Cc:** Hines, Ronald; Cascio, Wayne; Fisher, Bill; Saterson, Kathryn; Russo, Bill; Jones, Marjorie  
**Subject:** EPA human studies hearing at NAS Today

**Subject:** FW: EPA human studies hearing at NAS

Here is the link. At 1:00 today.

[https://nationalacademies.webex.com/mw3000/mywebex/default.do?service=1&siteurl=nationalacademies&no%3Fmenu=true&main\\_url=%2Fmc3000%2Ffe.do%3Fsiteurl%3Dnationalacademies%26AT%3DMI%26EventID%3D489615557%26UID%3D0%26Host%3DQUhTSwAAAKg41RjyWlRr9pWRycBUFWCq7X3lp8L0\\_dJ\\_pG4iZP1-OEuYmQ3vtK96b8-zrqQGzhJ5SI4oPM2ZyV0wRndzVU0%26FrameSet%3D2%26MTID%3Dmddc25f8c19cb84498fb02d795d6844f5](https://nationalacademies.webex.com/mw3000/mywebex/default.do?service=1&siteurl=nationalacademies&no%3Fmenu=true&main_url=%2Fmc3000%2Ffe.do%3Fsiteurl%3Dnationalacademies%26AT%3DMI%26EventID%3D489615557%26UID%3D0%26Host%3DQUhTSwAAAKg41RjyWlRr9pWRycBUFWCq7X3lp8L0_dJ_pG4iZP1-OEuYmQ3vtK96b8-zrqQGzhJ5SI4oPM2ZyV0wRndzVU0%26FrameSet%3D2%26MTID%3Dmddc25f8c19cb84498fb02d795d6844f5)

### **EPA tests exposing volunteers to air pollution under scrutiny today**

Today, a National Academies [committee](#) studying air pollution experiments conducted in humans will hear testimony on the research. The Academies started looking at the experiments in 2014, when the EPA got into hot water for its human testing. The EPA ran experiments in 2010 and 2011 that put 81 volunteers (lured by payments of up to \$3,700) into airtight chambers and exposed them to high levels of pollutants, including diesel exhaust. All the volunteers gave informed consent. But in 2014, the EPA's inspector general [criticized](#) the agency for not always explaining the risks or immediately reporting adverse events.

Steve Milloy, publisher of [JunkScience.org](#), said he will tell the committee that "these experiments are fundamentally illegal and unethical" because "EPA has said there is no level of exposure [to particulate matter] that does not cause premature mortality." But a second presenter, statistician Stanley Young, will say the volunteers "were not at risk. Full stop." Although, he said, EPA claims that air pollution "is killing people right and left," justifying federal regulations, "a very large data set and careful analysis says that current air quality is not killing anyone." The webcast will be [here](#) at 1 p.m. ET.





## Brown, Janice

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**From:** Nelson, Daniel K.  
**Sent:** Wednesday, August 24, 2016 9:01 AM  
**To:** Madden, Michael; Diaz-Sanchez, David  
**Subject:** RE: EPA human studies hearing at NAS  
**Attachments:** Posted\_Prelim Agenda\_HSR Open Session\_24 Aug 2016.pdf

Agenda is attached. There are three speakers. We (EPA) presented at the opening meeting in June 2015, and are not presenting today.

EPA funded the NAS to do this study, but they hit the limit of contract some time ago, and have been running on no-cost extensions. So I guess you can say that NAS is paying for this additional meeting (which was added to accommodate belated interest by Milloy) out of their own pocket.... Though we are paying for the overall project.

**From:** Madden, Michael  
**Sent:** Wednesday, August 24, 2016 8:54 AM  
**To:** Nelson, Daniel K. <Nelson.Daniel@epa.gov>; Diaz-Sanchez, David <Diaz-Sanchez.David@epa.gov>  
**Subject:** RE: EPA human studies hearing at NAS

Thanks.

Do you know who is testifying and the order? I can only sit in for a few speakers.  
Also who is funding this meeting? Not EPA??

M

Contact Information:  
*Michael C. Madden*, PhD, Fellow ATS

United States Environmental Protection Agency  
Human Studies Facility  
104 Mason Farm Road  
Mail Drop # 58B  
Chapel Hill, NC, USA 27599-7315

Office phone: 1-919-966-6257  
FAX Number: 1-919-966-6367  
email: [madden.michael@epa.gov](mailto:madden.michael@epa.gov)

*Put the R&D back in ORD!*

**From:** Nelson, Daniel K.  
**Sent:** Wednesday, August 24, 2016 8:49 AM  
**To:** Madden, Michael <[Madden.Michael@epa.gov](mailto:Madden.Michael@epa.gov)>; Diaz-Sanchez, David <[Diaz-Sanchez.David@epa.gov](mailto:Diaz-Sanchez.David@epa.gov)>  
**Subject:** RE: EPA human studies hearing at NAS

Thanks, Mike

If that link doesn't work for some reason, here are step-by-step instructions I got directly from NAS.

Dan

---

This email contains instructions for joining the online open session of the National Academies Committee on Assessing Toxicologic Risks to Human Subjects Used in Controlled Exposure Studies of Environmental Pollutants to be held on Wednesday, August 24<sup>th</sup>. The session will begin at 1:00 PM (EDT) and end at approximately 4:00 PM.

We will use WebEx software to provide a common computer screen for visual aids presented during the session and we will use a telephone conference call for the audio portion.

### **Downloading and Testing the WebEx Software**

Although the necessary WebEx software will download onto your computer when you join the open session, I strongly encourage you to download the software prior to the session by clicking this link:

<https://nationalacademies.webex.com/nationalacademies/meetingcenter/mcsetup.php>

If you encounter difficulty installing the software, please let me know. Alternatively, you can contact WebEx technical support at 1-800-508-8758.

If you are not familiar with using WebEx, I recommend performing a test run. Please send me an email and I will arrange for a test.

### **Joining the Open Session on Wednesday, August 24<sup>th</sup>, 1:00 PM - approx. 4:00 PM (EDT)**

This WebEx link must be used to join the session:

<https://nationalacademies.webex.com/nationalacademies/j.php?MTID=mddc25f8c19cb84498fb02d795d6844f5>

After clicking on the link, you will be prompted to give your name and email address.

In case WebEx also asks you to provide a meeting number and password, please enter this information:

WebEx meeting number: 745094973

WebEx meeting password: y9uZecNT

After connecting to the WebEx session, please join the teleconference line by using these numbers:

Dial: 1-866-668-0721

Conference Code: 2778431744

On the WebEx screen, click on the tab labeled: "I Will Call In".

After it opens, you will see an Attendee ID.

Enter that ID using your telephone keypad, after you have dialed in using the teleconference information.

There will not be a prompt over the phone line to enter it.



Doing this will allow your name to appear on the WebEx list of participants.

WebEx offers a prompt to turn on your webcam. Please do not select that option, as multiple video feeds might slow down the overall transmission speed of the session.

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### **Summary of Instructions for Joining the Open Session:**

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<https://nationalacademies.webex.com/nationalacademies/j.php?MTID=mddc25f8c19cb84498fb02d795d6844f5>
- If prompted, enter:
  - WebEx meeting number: 745 094 973
  - WebEx meeting password: y9uZecNT
- Teleconference information:
  - Dial: 1-866-668-0721
  - Conference Code: 2778431744
- On the WebEx screen, click on “I Will Call In”
- Enter the Attendee ID displayed on your computer screen, using your telephone keypad.

Kind regards,

**From:** Madden, Michael

**Sent:** Wednesday, August 24, 2016 8:14 AM

**To:** Diaz-Sanchez, David <[Diaz-Sanchez.David@epa.gov](mailto:Diaz-Sanchez.David@epa.gov)>; Nelson, Daniel K. <[Nelson.Daniel@epa.gov](mailto:Nelson.Daniel@epa.gov)>

**Subject:** FW: EPA human studies hearing at NAS

Here is the link at 1:00

[https://nationalacademies.webex.com/mw3000/mywebex/default.do?service=1&siteurl=nationalacademies&no\\_menu=true&main\\_url=%2Fmc3000%2Ffe.do%3Fsiteurl%3Dnationalacademies%26AT%3DMI%26EventID%3D489615557%26UID%3D0%26Host%3DQUhTSwAAAKg41RjyWlRr9pWRycBUFWcQ7X3lp8L0\\_dJ\\_pG4iZP1-OEuYmQ3vtK96b8-](https://nationalacademies.webex.com/mw3000/mywebex/default.do?service=1&siteurl=nationalacademies&no_menu=true&main_url=%2Fmc3000%2Ffe.do%3Fsiteurl%3Dnationalacademies%26AT%3DMI%26EventID%3D489615557%26UID%3D0%26Host%3DQUhTSwAAAKg41RjyWlRr9pWRycBUFWcQ7X3lp8L0_dJ_pG4iZP1-OEuYmQ3vtK96b8-)

Contact Information:

*Michael C. Madden*, PhD, Fellow ATS

United States Environmental Protection Agency  
Human Studies Facility  
104 Mason Farm Road  
Mail Drop # 58B  
Chapel Hill, NC, USA 27599-7315

Office phone: 1-919-966-6257  
FAX Number: 1-919-966-6367  
email: [madden.michael@epa.gov](mailto:madden.michael@epa.gov)

*Put the R&D back in ORD!*

From: Kimberly Swanson [<mailto:nkawie99@gmail.com>]  
Sent: Wednesday, August 24, 2016 6:15 AM  
To: Ghio, Andrew <[Ghio.Andy@epa.gov](mailto:Ghio.Andy@epa.gov)>; Madden, Michael <[Madden.Michael@epa.gov](mailto:Madden.Michael@epa.gov)>  
Subject: EPA

## **EPA tests exposing volunteers to air pollution under scrutiny today**

Today, a National Academies [committee](#) studying air pollution experiments conducted in humans will hear testimony on the research. The Academies started looking at the experiments in 2014, when the EPA got into hot water for its human testing. The EPA ran experiments in 2010 and 2011 that put 81 volunteers (lured by payments of up to \$3,700) into airtight chambers and exposed them to high levels of pollutants, including diesel exhaust. All the volunteers gave informed consent. But in 2014, the EPA's inspector general [criticized](#) the agency for not always explaining the risks or immediately reporting adverse events.

Steve Milloy, publisher of [JunkScience.org](http://JunkScience.org), said he will tell the committee that "these experiments are fundamentally illegal and unethical" because "EPA has said there is no level of exposure [to particulate matter] that does not cause premature mortality." But a second presenter, statistician Stanley Young, will say the volunteers "were not at risk. Full stop." Although, he said, EPA claims that air pollution "is killing people right and left," justifying federal regulations, "a very large data set and careful analysis says that current air quality is not killing anyone." The webcast will be [here](#) at 1 p.m. ET.



## Brown, Janice

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**From:** Brown, Janice  
**Sent:** Monday, August 29, 2016 1:38 PM  
**To:** Cascio, Wayne; Diaz-Sanchez, David; Benson, William; Russo, Bill  
**Subject:** FW: FOIA Assignment for EPA-HQ-2016-009787 - Heads up

Just received the following FOIA request. Since the reporting period is June 1-September 1, 2016, let's wait until next week to search for records. I just wanted to give you a heads up that it is coming your way.

"I am requesting copies of all e-mails containing the term "milloy" or referring to steve milloy for the period June 1, 2016 through September 1, 2016 sent or received by the following EPA staff in the NHREEL office: Wayne Cascio, David Diaz-Sanchez, William Benson and William Russo."

Janice Brown  
NHEERL/POS  
US EPA Maildrop B343-01  
RTP, NC 27711  
919-541-0331

**From:** Evanko, Peter  
**Sent:** Monday, August 29, 2016 11:11 AM  
**To:** Brown, Janice <Brown.Janice@epa.gov>  
**Subject:** FW: FOIA Assignment for EPA-HQ-2016-009787

Head's up. New FOIA.

Peter J. Evanko

202-564-6731  
202-669-5737 (cell)  
ORD FOIA Coordinator, RRB Emergency Occupation Coordinator, ORD International Travel Coordinator, ORD Continuity of Operations Coordinator, ORD Program Accountable Representative, ORD HQ Hazard & Risk Assessment Official, ORD HQ Safety & Health Manager

Immediate Office, Office of Administrative and Research Support  
EPA, Office of Research and Development

**From:** [foia@regulations.gov](mailto:foia@regulations.gov) [<mailto:foia@regulations.gov>]  
**Sent:** Monday, August 29, 2016 10:56 AM  
**To:** Evanko, Peter <[Evanko.Peter@epa.gov](mailto:Evanko.Peter@epa.gov)>  
**Subject:** FOIA Assignment for EPA-HQ-2016-009787

You have been assigned to the FOIA request EPA-HQ-2016-009787. Additional details for this request are as follows:

- Assigned By: Judith Lewis
- Request Tracking Number: EPA-HQ-2016-009787
- Due Date: 09/27/2016



- Requester: Steven J. Milloy
- Request Track: Simple
- Short Description: N/A
- Long Description: I am requesting copies of all e-mails containing the term "milloy" or referring to steve milloy for the period June 1, 2016 through September 1, 2016 sent or received by the following EPA staff in the NHREEL office: Wayne Cascio, David Diaz-Sanchez, William Benson and William Russo.